# **PUBLIC NOTICE**

US Army Corps of Engineers ® New England District

696 Virginia Road Concord, MA 01742-2751 **Date: July 10. 2007** 

Comment Period Ends: August 9, 2007

File Number:NAE-2006-3369 (previously 199800259) In Reply Refer To: Alan R. Anacheka-Nasemann

Or by e-mail:alan.r.anacheka-nasemann@usace.army.mil

Balboni, LLC, 74 Camelot Drive, Plymouth, Massachusetts 02360, the successors in interest to Shiretown Realty Trust, have requested that the U.S. Army Corps of Engineers modify their existing Department of the Army Permit No. 199800259. The existing permit was issued under Section 404 of the Clean Water Act on May 14, 1998, and authorized Shiretown Realty Trust to retain fill material placed in 3.7 acres of wetlands, subject to special conditions requiring the implementation of an approved mitigation plan to compensate for the loss of said wetlands. Balboni, LLC now seeks to forego the previously approved wetland mitigation plan and substitute a new plan in order to meet the mitigation requirements of the permit. The project is located in an unnamed tributary to Russell Millpond and the Eel River, at Camelot Industrial Park, Camelot Drive, Plymouth, Massachusetts. The site is located upstream of the existing Gilbert Trout Hatchery and residential areas.

The original mitigation plan called for the enhancement of 1.1 acres of existing wetlands (an abandoned cranberry bog), by modifying an existing outlet structure to improve wetland hydrology. This portion of the mitigation project has already occurred, and has in fact resulted in a 0.1-acre expansion of the existing bog, to 1.2 acres. The original plan also proposed the creation of a 2.8-acre isolated wetland, which has <u>not</u> been completed. The revised mitigation plan proposes the creation of 3.1 acres of wetlands, to be constructed adjacent to the existing 1.2-acre bog. The net effect is that the revised mitigation proposal will provide 0.4 acre more wetland area than the existing proposal. The revised mitigation plan is described on the enclosed plans entitled "APPLICATION BY BALBONI, LLC," on 7 sheets, and dated "Dec. 29, 2006," plus one additional sheet entitled "SUPPLEMENTAL DETAILS," dated "2004." The plans for the original mitigation proposal, herein labeled "Original Mitigation Plan," and entitled, SHIRETOWN REALTY TRUST, 29 LIBERTY STREET, PLYMOUTH, MA 02360," on 4 sheets, and dated "December 12, 1997" are also attached.

BACKGROUND INFORMATION: The original permit and drawings are appended to this Notice. Following issuance of the permit, and prior to commencement of mitigation construction, substantial development occurred upstream of the existing facility, including the new Plymouth County Prison Farm, a large retail development known as the "Shops at Five," and the new Town of Plymouth Wastewater Treatment Facility. The result has been a substantial increase in hydrologic inputs, including treated wastewater effluent and surface runoff, into the unnamed tributary and existing bog upstream of the hatchery. These aquatic resource impacts are not subject to review under Section 404 of the Clean Water Act and thus were not under the purview of the U.S. Army Corps of Engineers. The proposed wetland mitigation plan thus envisions utilizing this previously unanticipated increase in overall stream flow, while providing additional stormwater detention capacity and water quality improvements that are intended to ameliorate reported negative effects from upstream development.

This project is located on the USGS Plymouth quadrangle sheet at UTM coordinates 4642547 N and 363519 E (Zone 19).

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Alan Anacheka-Nasemann at (978) 318-8214, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

SEE NEXT PAGE FOR DETAILS OF EVALUATION FACTORS Karen K. Adams

Chief, Permits & Enforcement Branch

Regulatory Division

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
  - e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

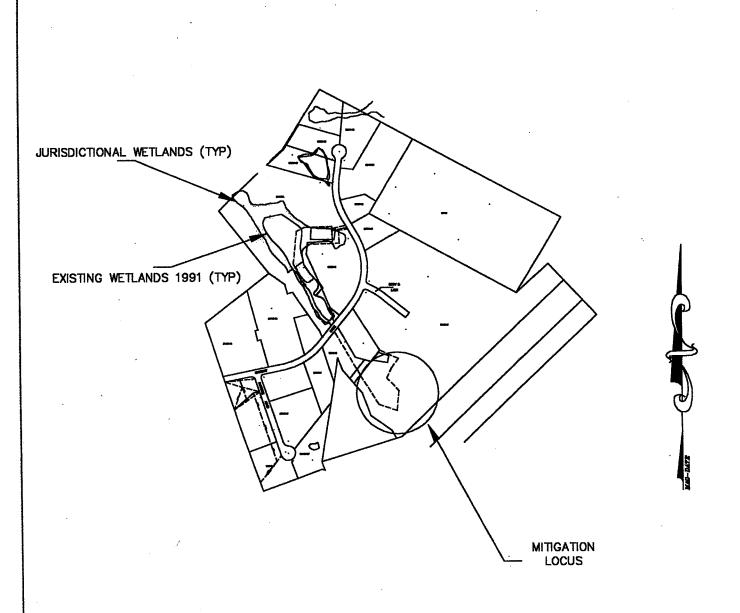
The following authorizations have been applied for, or have been, or will be obtained:

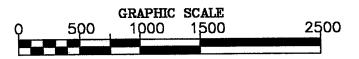
- ( ) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS	NOT AN AUTHORIZATION TO DO ANY WORK.
e-mail her at betti	er not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or na.m.chaisson@usace.army.mil. You may also check here ( ) and return this portion of the Public Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA
NAME: ADDRESS:	





LOCATED IN:

TOWN OF PLYMOUTH
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

VICINITY PLAN
LOT 24-4, FORMERLY LOTS 13-18, 24-3, AND MARY B. LANE
PLYMOUTH ASSESSOR'S MAP 83
CAMELOT DRIVE, PLYMOUTH, PLYMOUTH COUNTY, MA

DATE:

DEC. 29, 2006

SHEET 1 OF 7

ASSOCIATED ENGINEERS OF PLYMOUTH, INC Land Surveying, Civil Engineering, Land Planning 81 Samoset Street, Plymouth, Ma. (508) 747 — 0068 FAX (508) 747 — 0871 APPLICATION BY:

TABLE I-	PLAN'	TING SCHEDULE AND SPE	CIFICATIONS
COMMON NAME		SCIENTIFIC NAME	NO. X PLANT SPECIFICATION
HIGHBUSH BLUEBERRY	•	Vaccinium corymbosum	13 X 5.0 GAL. POTS = 36"
WINTERBERRY	×	llex verticiliata	35 X 5.0 GAL. POTS = 36"
RED MAPLE	8	Acer rubrum	16 X 1.5 DBH 5-6'
BLACK GUM TUPELO	0	Nyssa sylvatica	13 X 1.5" DBH 5-6"
RED CEDAR		Juniperus virginiana	NO. AS REQ. X 5 GAL. POT 4-5
NEW ENGLAND WETLAND SEED MIX		VARIOUS	MAS PER PLANTING SPEC.

#### NOTES:

- 1. OWNER: LOT 24-4, FORMERLY LOTS 13-18, 24-3 AND MARY B. LANE BALBONI, LLC 74-1 CAMELOT DRIVE PLYMOUTH, MASSACHUSETTS 02360
- 2. APPLICANT:

PALBONI, LLC 74-1 CAMELOT DRIVE PLYMOUTH, MASSACHUSETTS 02360

- 3. PROFESSIONAL ENGINEER:
  WILLIAM R. SHAW, PE
  ASSOCIATED ENGINEERS OF PLYMOUTH, INC.
  81 SAMOSET STREET
  PLYMOUTH, MASSACHUSETTS 02360
- SUBJECT PREMISES IS SHOWN AS LOT 24-4, FORMERLY LOTS 13-18, 24-3 AND MARY B. LANE ON PLYMOUTH ASSESSOR'S MAP 83.
- 5. DEEDS TO SUBJECT PREMISES ARE RECORDED AT THE PLYMOUTH COUNTY REGISTRY OF DEEDS IN BOOK 22681, PAGE 347 AND BOOK 30241, PAGE 206.
  - 6. THE SUBJECT PREMISES IS ZONED LIGHT INDUSTRIAL (LI).

THIS PLAN IS VALID ONLY WITH THE ORIGINAL SEAL AND SIGNATURE OF THE LICENSED PREPARER.

LEGEND:	
LOT LINE	
APPROX. LOT LINE	
STREET LINE	
FORMER STREET LINE	
EASEMENT	
TIE LINE	
PROPOSED CONTOUR	
EXISTING CONTOUR	
WETLANDS LINE	

LOCATED	in:		
	F PLYMO		
	th coun Iwealth	ASSACI	IUSETTS

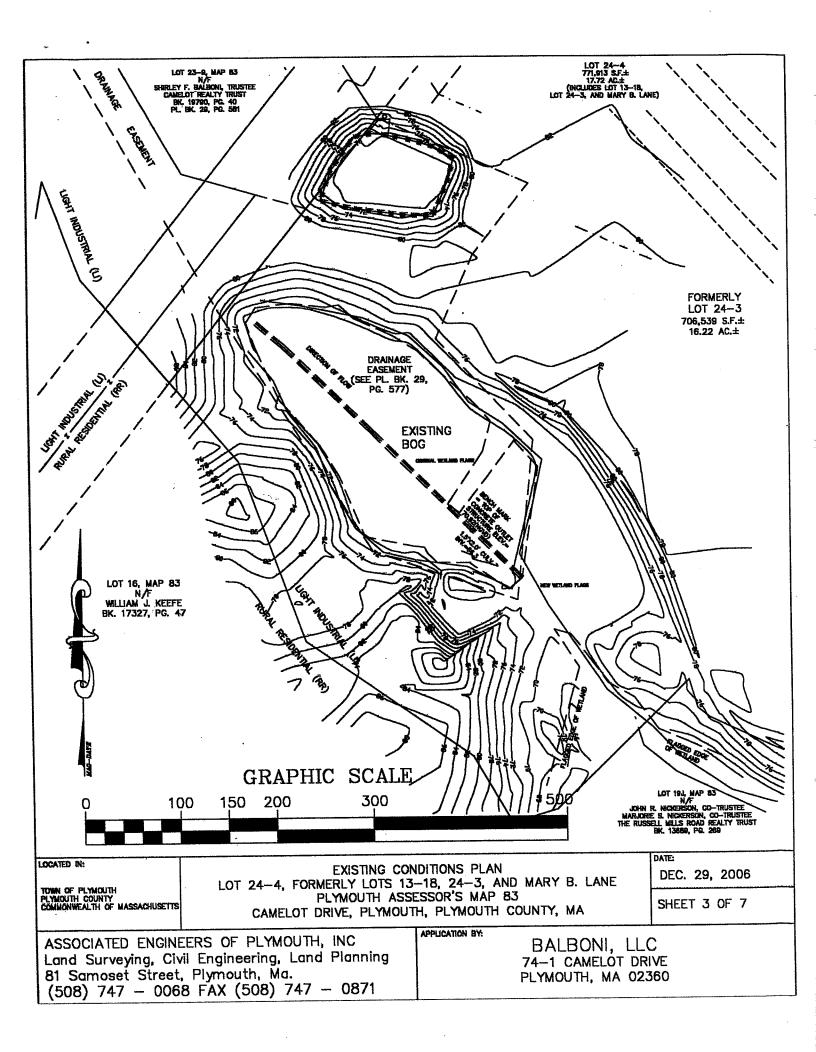
WETLANDS ENHANCEMENT PLAN
LOT 24-4, FORMERLY LOTS 13-18, 24-3, AND MARY B. LANE
PLYMOUTH ASSESSOR'S MAP 83
CAMELOT DRIVE, PLYMOUTH, PLYMOUTH COUNTY, MA

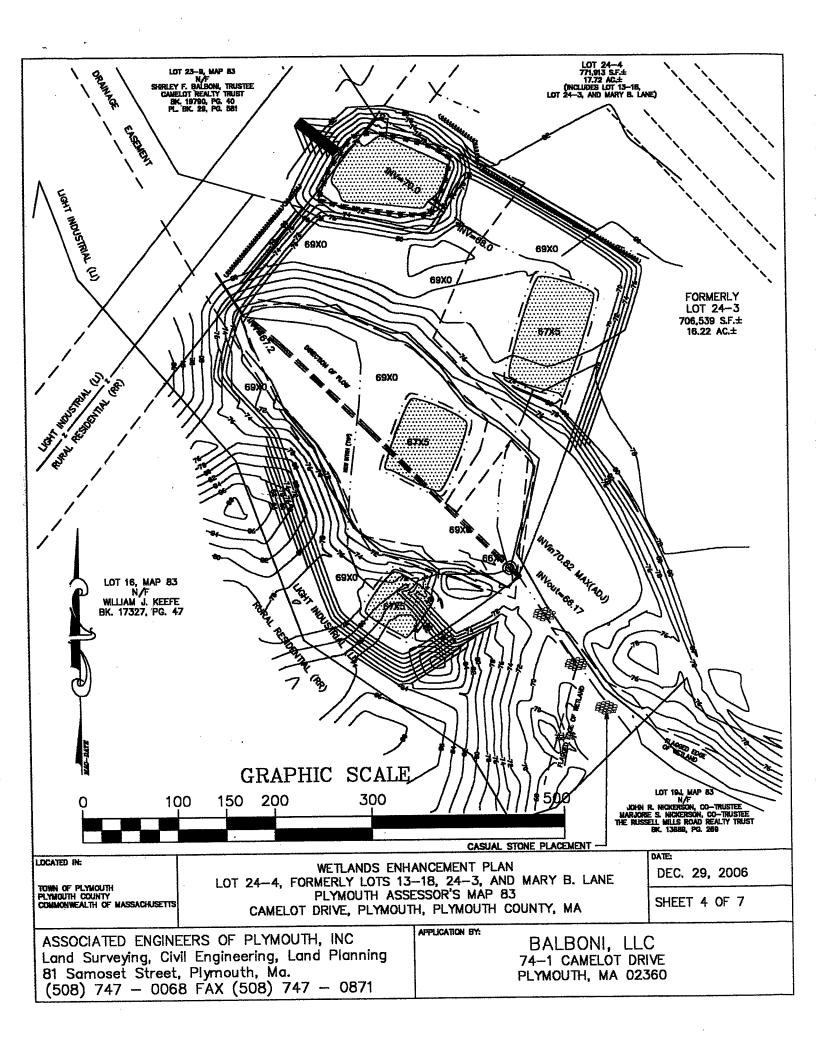
DEC. 29,

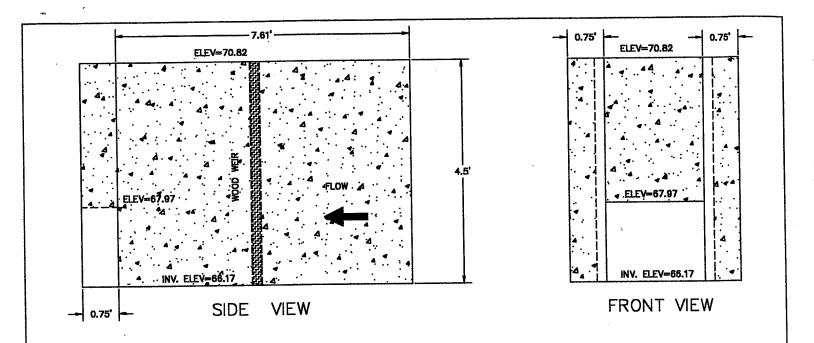
DEC. 29, 2006

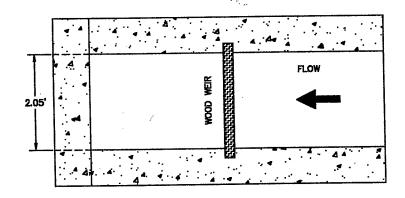
SHEET 2 OF 7

ASSOCIATED ENGINEERS OF PLYMOUTH, INC Land Surveying, Civil Engineering, Land Planning 81 Samoset Street, Plymouth, Ma. (508) 747 — 0068 FAX (508) 747 — 0871 APPLICATION BY:









PLAN VIEW

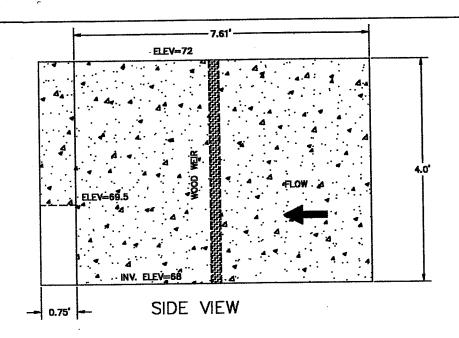
LOGATED IN:

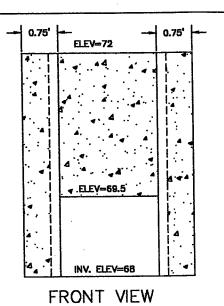
TOWN OF PLYMOUTH
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

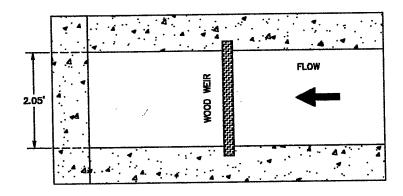
EXISTING OUTLET STRUCTURE
LOT 24-4, FORMERLY LOTS 13-18, 24-3, AND MARY B. LANE
PLYMOUTH ASSESSOR'S MAP 83
CAMELOT DRIVE, PLYMOUTH, PLYMOUTH COUNTY, MA

DATE: REV 05/09/2007 SHEET 5 OF 7

ASSOCIATED ENGINEERS OF PLYMOUTH, INC Land Surveying, Civil Engineering, Land Planning 81 Samoset Street, Plymouth, Ma. (508) 747 - 0068 FAX (508) 747 - 0871 APPLICATION BY:







PLAN VIEW

LOCATED IN:

TOWN OF PLYMOUTH
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

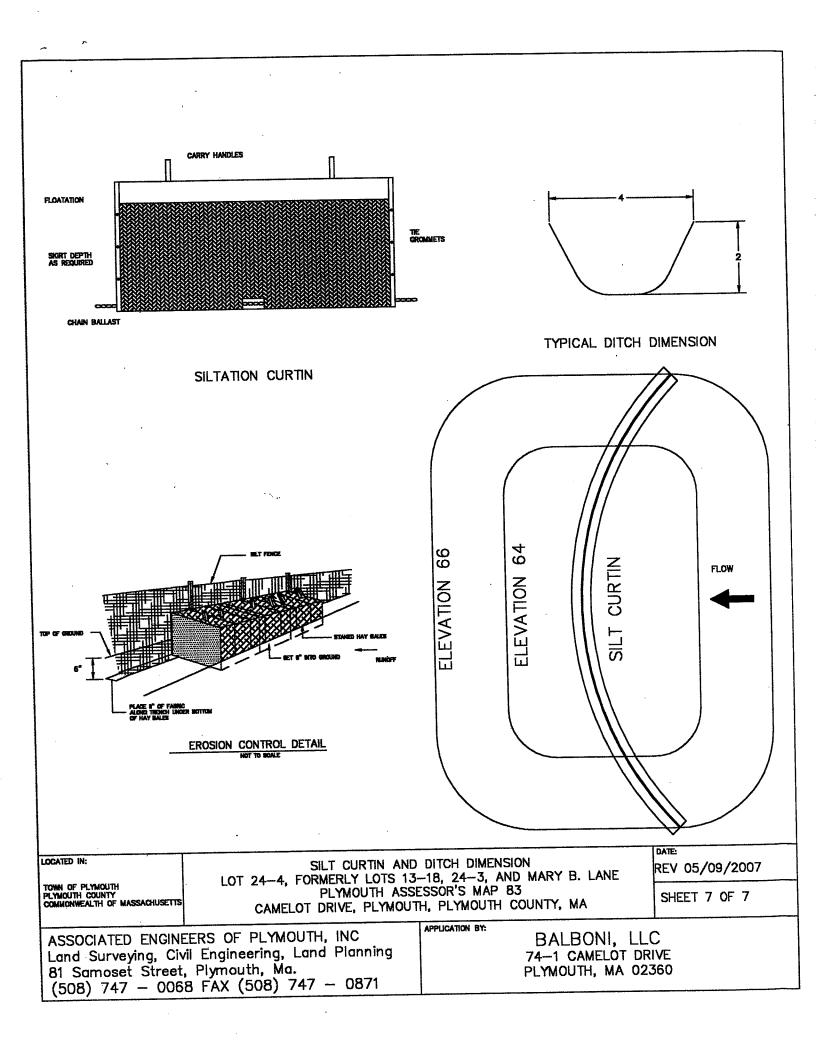
PROPOSED OUTLET STRUCTURE
LOT 24-4, FORMERLY LOTS 13-18, 24-3, AND MARY B. LANE
PLYMOUTH ASSESSOR'S MAP 83
CAMELOT DRIVE, PLYMOUTH, PLYMOUTH COUNTY, MA

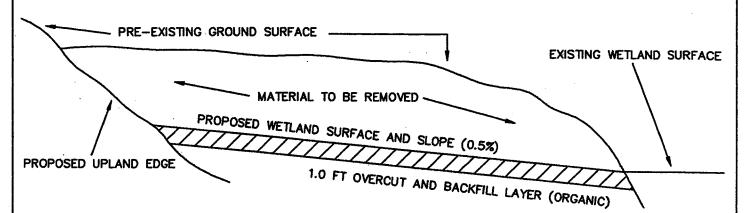
DATE

DEC. 29, 2006

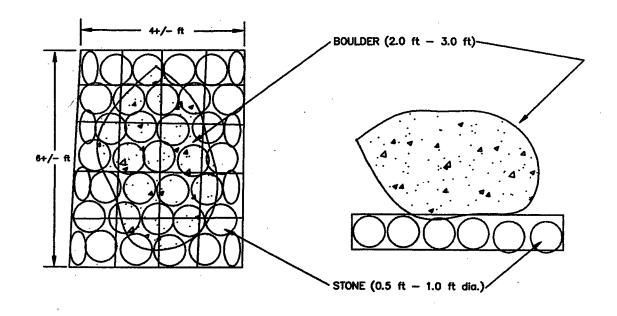
SHEET 6 OF 7

ASSOCIATED ENGINEERS OF PLYMOUTH, INC Land Surveying, Civil Engineering, Land Planning 81 Samoset Street, Plymouth, Ma. (508) 747 - 0068 FAX (508) 747 - 0871 APPLICATION BY:





## **EXCAVATION DETAIL**



GABBION BLANKET & BOULDER DETAIL

	DESIGNED BY:	SUPPLEMENTAL DETAILS	NONE	REVISION
THE GARRETT	DRAWN BY:	SUPPLEMENTAL DETAILS	2004	701
GROUP, LTD	CHECKED BY:	TYPICAL WETLAND REPLICATION	SKETCH	NO.
	DETAIL		1	

# LEGEND

ENHANCED EXISTING WETLANDS = 1.1 ACRES

E1\33(1)

PROPOSED POND = 2.8 ACRES

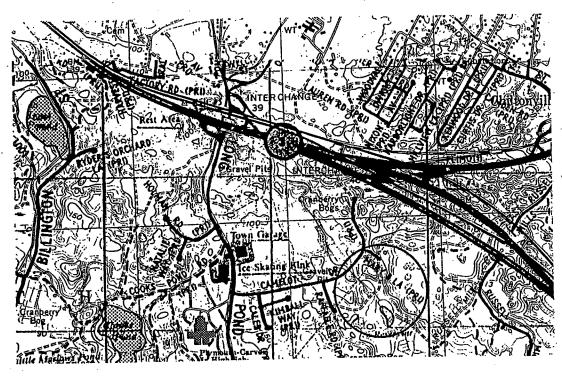
**EXISTING CONTOUR** 

PROPOSED CONTOUR

EXISTING SPOT GRADE

79.1

EDGE OF PROPOSED POND AND WETLANDS = ELEV. 65.0



GRAPHIC SCALE

2000 3000 4000

6000

10000

Original Mitigation Plan

LOCATED IN:

TOWN OF PLYMOUTH
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

VICINITY MAP/ LEGEND

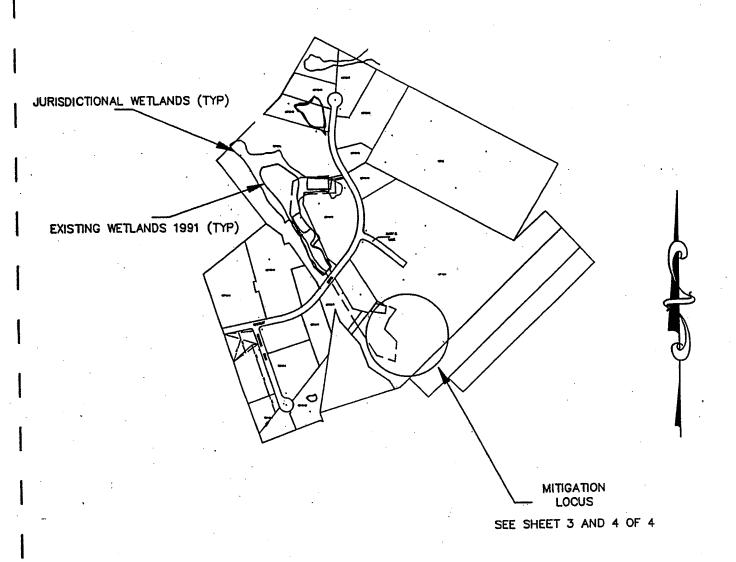
DATE:

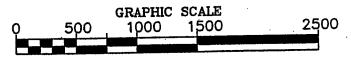
**DECEMBER 12,1997** 

SHEET 1 OF 4

ASSOCIATED ENGINEERS OF PLYMOUTH, INC Land Surveying, Civil Engineering, Land Planning 81 Samoset Street, Plymouth, Ma. (508) 747 - 0068 FAX (508) 747 - 0871 APPLICATION BY:

SHIRETOWN REALTY TRUST 29 LIBERTY STREET PLYMOUTH, MA 02360





# Original Mitigation Plan

OCATED IN:

TOWN OF PLYMOUTH
PLYMOUTH COUNTY
COMMONWEALTH OF MASSACHUSETTS

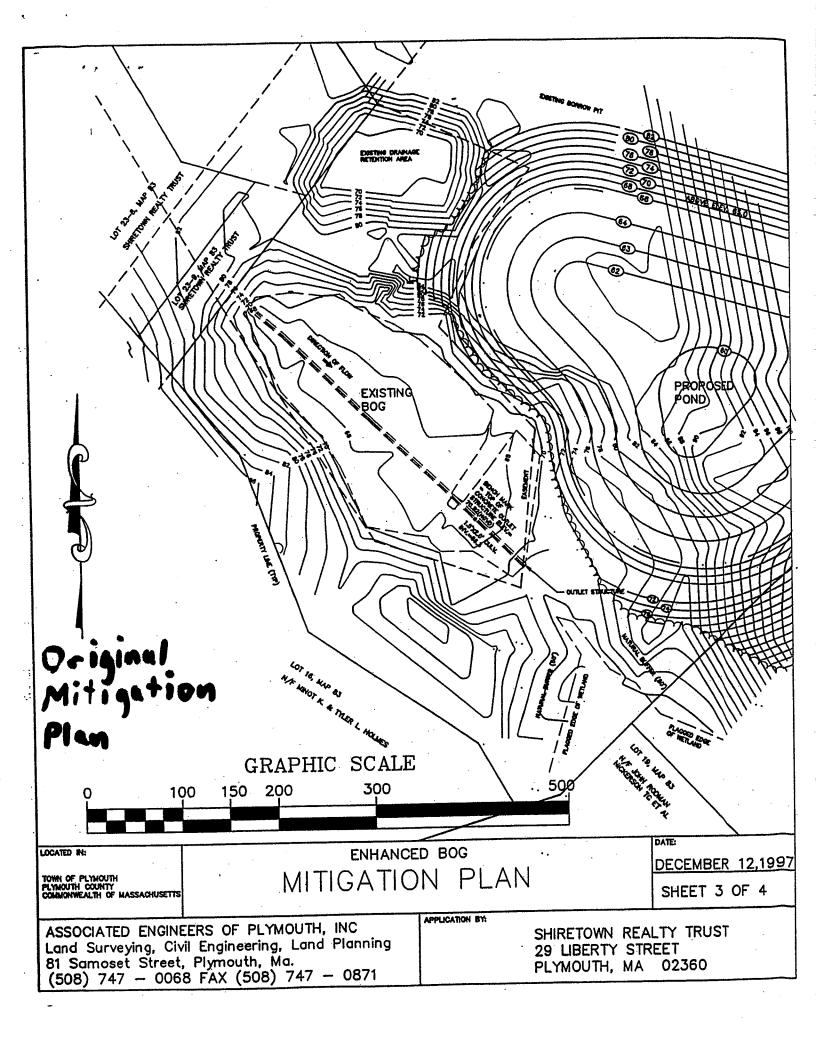
CAMELOT PARK

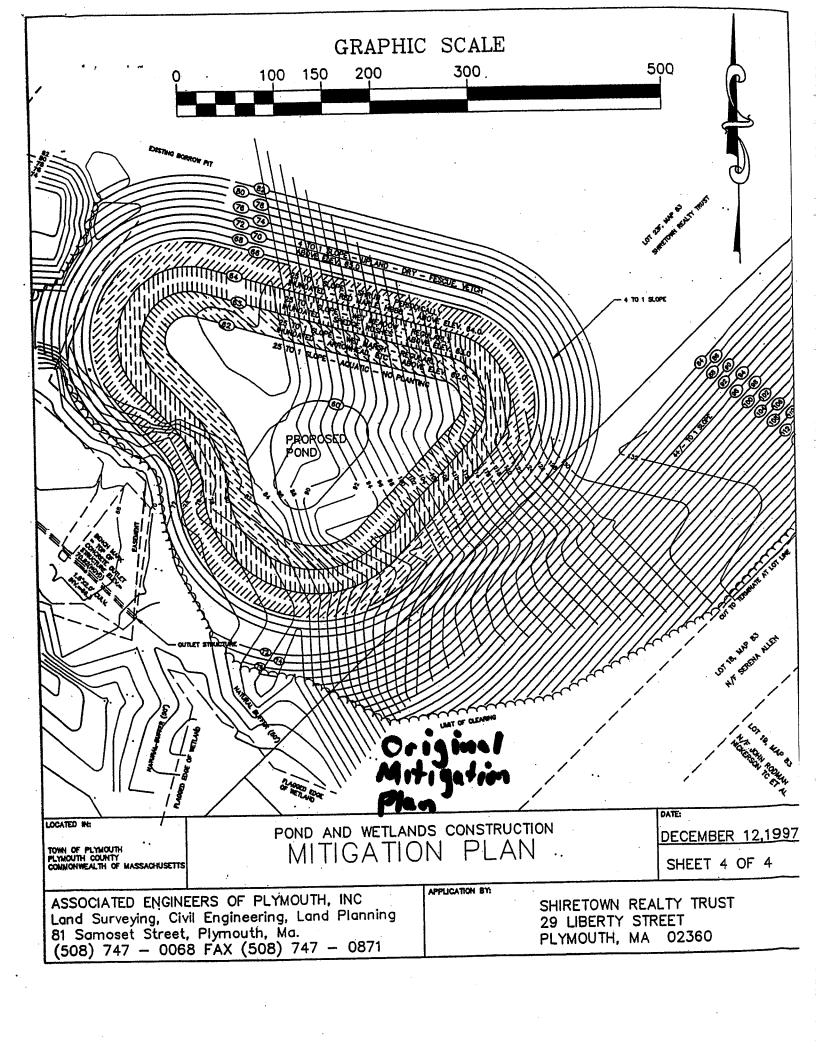
DATE:

DECEMBER 12,1997 SHEET 2 OF 4

ASSOCIATED ENGINEERS OF PLYMOUTH, INC Land Surveying, Civil Engineering, Land Planning 81 Samoset Street, Plymouth, Ma. (508) 747 — 0068 FAX (508) 747 — 0871 APPLICATION BY:

SHIRETOWN REALTY TRUST 29 LIBERTY STREET PLYMOUTH, MA 02360





### **DEPARTMENT OF THE ARMY PERMIT**

Permittee Shiretown Realty Trust, Camelot Park, Camelot Drive, Plymouth, MA 02360
Permit No199800259
Issuing Office New England District
NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.
You are authorized to perform work in accordance with the terms and conditions specified below.
Project Description: Retain fill placed within a total of 3.7 acres of inland wetlands at the Camelot Industrial Park, as follows:  (A) Areas 2, 3, 4, and 5: 3.0 acres of fill (approximately 36,000 cubic yards) placed in wetlands that were formerly abandoned cranberry (Vaccinium macrocarpon) bogs, for the purpose of developing a stable bank around the bogs drainage control, construction of portions of a parking area and access to uplands adjacent to the bogs;  (B) Area 6: 0.6 acre of fill (approximately 11,600 cubic yards) of an isolated shrub swamp for the purpose of developing the lot;  (C) Area 7: 0.1 acre of fill (approximately 200 cubic yards), along the east side of an isolated, abandoned cranberry bog to create a sloping shoulder along Camelot Drive.
Project Location:
The project is located on the 101-acre Camelot Industrial Park, Camelot Drive, Plymouth, Massachusetts 02360
Permit Conditions:
General Conditions:
1. The time limit for completing the work authorized ends on If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and condi-

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of Historic Places.

this permit from this office, which may require restoration of the area.

EDITION OF SEP 82 IS OBSOLETE.

tions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register

(33 CFR 325 (Appendix A))

- 4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
- 5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
- 6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: (1) The permittee shall ensure that a complete copy of this permit is at the work site whenever work is being performed and that all personnel performing work at the site of the work authorized by this permit are fully aware of the terms and conditions of the permit. This permit, including its drawings and any appendices and other attachments, shall be made part of any and all contracts and sub-contracts for work which affects areas of Corps of Engineers' jurisdiction at the site of the work authorized by this permit. This shall be done by including the entire permit in the specifications for the work.

#### SPECIAL CONDITIONS CONTINUED ON PAGE 4

#### Further Information:

- 1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 108 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 141s).
- 2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
- 8. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.

- e. Damage claims associated with any future modification, suspension, or revocation of this permit.
- 4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
- 5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
  - a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)

MICHAEL W. PRATT, COLONEL

CORPS OF ENGINEERS

When the structures or work sutherized by this permit are still in existence at the time the property is true formed the terms and

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE) (DATE)

- (1 continued) If the permit is issued after the construction specifications but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract as a change order. The term "entire permit" includes permit amendments. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions of the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps of Engineers' jurisdiction.
- (2) MITIGATION PLAN FOR WETLAND ENHANCEMENT: The permittee shall enhance 1.1 acres of existing wetlands consisting of an abandoned cranberry (Vaccinium macrocarpon) bog, located in the south central portion of the Camelot Park site, downstream of the impacted wetlands, by undertaking the following steps:
- (a) Rehabilitation of the existing water control structure, by undertaking the actions titled "Outlet Structure Modification" as outlined in the attached letter from ENSR, Inc., dated December 30, 1997.
- (b) Adjustment of flashboard elevations and monitoring of surface and groundwater elevations within the bog as necessary to determine the optimum final elevation of the flashboards within the bog. In general, this elevation should be sufficient to stress the existing *Spiraea tomentosa* vegetative community and cause a more hydrophytic (e.g., FACW or OBL) community. A permanent water control structure shall be placed at the appropriate elevation as determined by the wetland scientist monitoring the site prior to the expiration date of this permit. Water elevation monitoring data shall be presented and discussed in the monitoring reports submitted for the wetland creation site as required by the following item #3.

#### (3) MITIGATION PLAN FOR WETLAND CREATION:

- (a) The permittee shall mitigate for impacts to 3.7 acres of wetlands in accordance with the attached plans entitled "MITIGATION PLAN" in sheets 3 and 4 of 4 dated December 12, 1997, the "PLANTING PLAN" in six pages by ENSR, Inc., revised January 1998, plus the attached "PLANTING PLAN, Figure 2" dated January, 1998. In accordance therewith, the permittee shall create a minimum of 2.8 acres of wetlands and waterways which shall include the open water /no planting zone, wet marsh, wet meadow, and shrub zones shown on the referenced drawing.
- (b) To the extent practicable, all plantings shall be done in accordance with the August 11, 1997 planting plan prepared by ENSR, Incorporated, except that planting shall be limited to the 2.8-acre created wetland / waterway site as noted on sheet 4 of 4 of the plans entitled "MITIGATION PLAN". During planting, a qualified wetland professional may relocate up to 50% of the planting cells, if the "as built" site conditions pose an unreasonable threat to the survival of the plantings. The planting cells shall be relocated to locations with suitable hydrology and where appropriate structural context with other planting cells can be maintained.

- (c) At the option of the permittee, planting of proposed hydrophytic vegetation may be delayed for up to one year following construction of the 2.8-acre mitigation area, in order to determine the final elevations of the water within the mitigation area that are suitable to the species to be planted.
- (4) Landscaping plans: The following species shall be excluded from all project landscaping plans for areas within 100 feet of the proposed mitigation site:

#### (1) Herbs:

Echinochloa crusgalli
Glyceria maxima
Lythrum salicaria,
Phalaris arundinacea
Phragmites australis,
Polygonum cuspidatum,
Typha latifolia, T. angustifolia, T. glauca,

#### (2) Woody Plants:

Ailanthus altissima
Celastrus orbiculatus
Berberis thunbergii, and B. vulgaris
Eleagnus angustifolia, and E. umbellata
Euonymous alatus
Juniperus virginiana,
Ligustrum obtusifolium and L. vulgare
Lonicera tartarica, L. morrowii, L. xylosteum,
Populus alba
Rhamnus cathartica, R. frangula,
Robinia pseudoacacia
Rosa multiflora,
Wisteria floribunda

(5) Control of Invasive Species: The permittee shall take all necessary steps to control the following noxious, invasive species, should they appear within the mitigation wetland during the monitoring period: *Phalaris arundinacea*, *Phragmites australis*, and *Lythrum salicaria*. Control may be by biological, mechanical or herbicidal means; however, the permittee is responsible for ensuring that use of chemical herbicides is authorized and conducted in accordance with all applicable Federal, State and local governmental regulations. Such control shall be conducted for three full years following mitigation construction.

#### (6) Soil Amendments

(a) Natural topsoil used for the creation/restoration/enhancement of wetlands shall consist of at least 12% organic carbon content (by weight). Manmade topsoil used for the creation/restoration/ enhancement of wetlands shall consist of a mixture of equal volumes of organic and mineral materials.

(b) Commercially packaged peat from sedge, sphagnum, or reed sources is specifically prohibited as a topsoil amendment. If the topsoil conditions require organic soil amendments, clean leaf compost which has been composted for a minimum of 3 years, shall be considered a reasonable alternative.

#### (7) Erosion Controls

- (a) Immediately upon completion of grading, the newly constructed wetland shall be seeded with a rapidly growing wetland seed mix designed to stabilize the exposed soil.
- (b) All temporary erosion and sediment control devices and structures shall be disassembled and properly disposed of prior to 1 November, three full growing seasons after planting. Erodible sediment collected by these devices must also be removed and placed upland in a manner that will prevent its later erosion and transport to a waterway or wetland.
- (c) No heavy equipment shall be operated within the created or enhanced wetland mitigation areas once proper grades and elevations are established.
- (8) Course Woody Debris: To enhance habitat and avoid disruption of many specialized plant and animal cycles, woody debris cleared for creation of the mitigation site shall be deposited within the created shrub scrub and emergent marsh areas.

#### (9) Success Standards

- (a) By November 1 of each year during the mitigation monitoring period, the 2.8-acre created mitigation area shall have at least 75% Site Survival, excluding the first year in the event that the permittee exercises the option outlined in Special Condition (2)(d) above. For purposes of this special condition, Percent Site Survival is the number of planting cells with Species Survival over 35% divided by the total number of planting cells multiplied by 100; Percent Species Survival is the number of surviving plants in each planting cell divided by the number of plants originally planted in each planting cell multiplied by 100. In some circumstances, herbaceous cover may obscure direct observation and tally. In these cases, quadrant samples may be substituted for direct measures.
- (b) At the end of the third year post construction, the 1.9 acre created wetland mitigation area and the 1.1-acre wetland enhancement area shall be 80% vegetated with hydrophytic vegetation with an indicator status of FAC or wetter, as defined by: Reed, P.B., Jr. 1988. National list of plant species that occur in wetlands: Northeast (Region 1). U.S. Fish Wildlife. Serv. Rep. 88(26.1) 111 pp., excluding Myriophyllum spicatum, and Typha spp.. In addition, less than 5% areal cover shall consist of the noxious / invasive species identified in Special Condition (5) above, in any monitoring year.
- (c) For the remainder of this special condition, planting cells means the discrete clusters of plants illustrated on the approved planting or landscaping plan. If a species is not planted in discrete clusters, the planting cell may be considered to be the entire site.

## (10) Monitoring

The permittee shall monitor each sampling location during the month of August, for each of three years following all mitigation and construction activities. For the first three full years following construction, monitoring reports shall be prepared at the end of each full growing season. Reports are due not later than December 15 of the year being monitored. Refer to Special Condition 13 for submittal instructions. The following are the minimal components of the annual wetland mitigation monitoring reports (Note: items g through j within this list may be excluded from the first annual monitoring report in the event that the permittee exercises the option outlined in Special Condition (3)(c) above):

- (a) A summary of the monitoring inspections that occurred since the last report.
- (b) A checklist of the success standards that indicate which standards were attained and which were not met during the monitoring year.
- (c) A concise description of any remedial actions done during the monitoring year in order to meet the success standards. These activities may include, but are not limited to: removal of debris; replanting; biological, herbicidal-, or mechanical control of invasive plant species; regrading of the site; additional application of topsoil or soil amendments; or adjustments to the site hydrology.
- (d) A concise description of other remedial actions done during the monitoring year in order to improve the success potential of the mitigation sites.
  - (e) Recommendations for future remedial activities.
  - (f) Vegetation Cover Percentages:
    - (a) A visual estimate of total percent cover for each mitigation site.
    - (b) A visual estimate of the percent cover of noxious, invasive species identified in Special Condition (5) above.
- (g) A description of the general health and vigor of the surviving plants in each of the planting cells and a prognosis for their future survival.
- (h) A diagnosis of the cause(s) of morbidity or mortality in each of the planting cells.
- (i) Percent Species Survival -- expressed as the number of surviving plants in each of the planting cells versus the number that were originally planted.
- (j) Percent Site Survival -- expressed as the number of planting cells with Percent Species Survival equal or greater than 35% versus the total number of planting cells.

(k) Details of any adjustments to the invert elevation of the water control structure for the 1.1-acre wetland enhancement site, including the previous year elevation(s) used and the elevation of standing water or soil saturation at all monitoring locations therein. Also report any evidence of tampering with the water control structure and remedial steps taken to correct such situations and prevent future tampering.

## (l) Appendices:

Appendix A -- A copy of the Special Conditions for this permit.

Appendix B -- An "as-built" landscaping plan identifying the location and extent of the designed plant community types (e.g., shrub swamp). Within each community type, the plan must identify the location and extent of the individual plant clusters of cells for each planted species.

Appendix C -- Representative photos of each mitigation site taken from fixed locations.

(11) Remedial Actions: If the success criteria outlined in Special Condition (9) are not met, remedial actions shall be taken. Such measures may include, but are not limited to: regrading all or a portion of the mitigation area to ensure adequate hydrology, planting of additional hydrophytic/halophytic vegetation, control of noxious species, and/or development of an alternative mitigation plan.

#### (12) Assessment

A written assessment shall be submitted to the Corps which shall consider the condition of the wetland mitigation sites after the first three full growing seasons following the completion of construction The assessment shall be submitted by December 15 of the third year after the construction of the mitigation site. Refer to Special Condition 13 for submittal instructions. The following shall be the minimal components of the post-construction assessment for this project:

- (a) Goals: Summarize the original or modified mitigation goals and discuss the level of attainment of these goals at each mitigation site.
- (b) Lessons Learned: Provide a brief summary of any significant problems that were encountered or solutions that were developed during the construction and maintenance periods.

## (c) Appendices

Appendix A -- Summary of the results of a functions and values assessment of the mitigation sites, using the same methodology as was used to determine the functions and values for the impacted wetland(s).

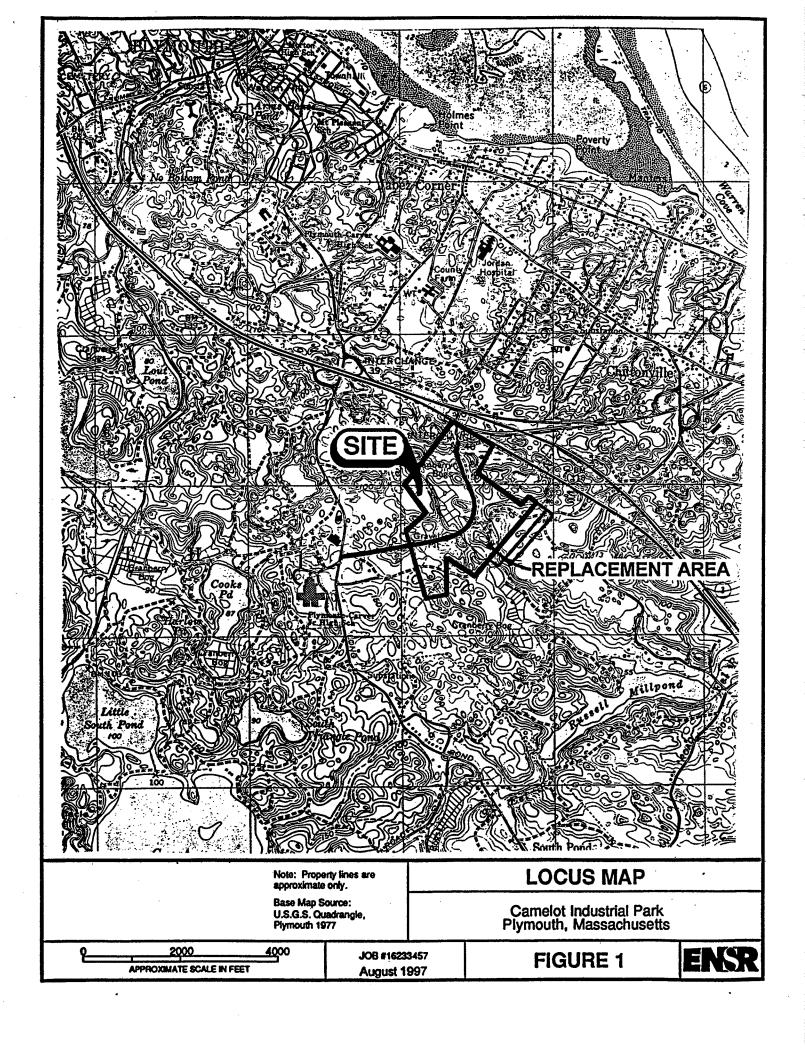
Appendix B -- Calculation of the area of wetlands in each mitigation site using the delineation method employed by the Corps of Engineers. Supporting document will include: a scaled drawing illustrating the wetland boundaries and at least two representative transects with corresponding data points where Wetland Delineation data sheets are prepared.

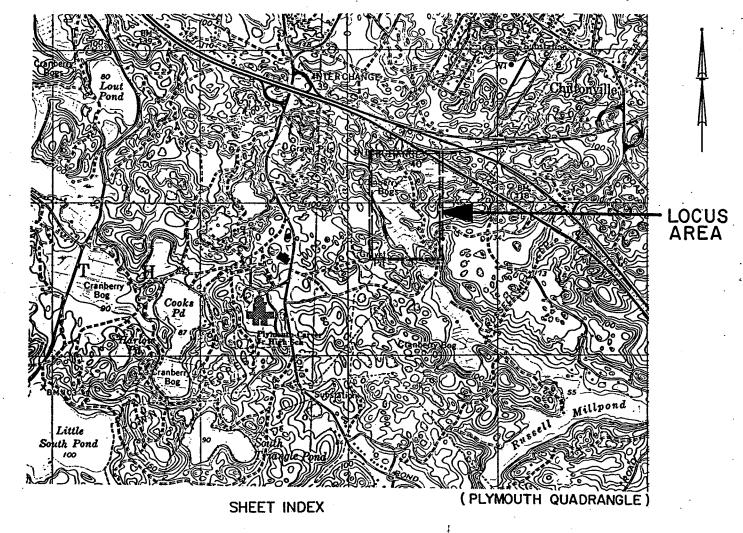
Appendix C -- Comparison of the measured areas of the delineated wetland area(s) with those area(s) proposed in the mitigation plan. This comparison can be made on a scaled drawing or as an overlay to the as-built plan. This plan should also illustrate the major vegetation community types.

Appendix D -- Photos of the mitigation site taken from the same fixed locations as the monitoring photos.

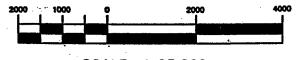
13). Except where stated otherwise, reports, drawings, correspondence and any other submittals required by this permit shall be marked with the words "Permit No. 199800259" and shall be addressed to "Inspection Unit, CENAE-CO-R, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751". Documents which are not marked and addressed in this manner may not reach their intended destination and do not comply with the requirements of this permit.

# **FIGURES**





2 1991 SITE CONDITIONS
3 WETLANDS PLAN: AREA "2"
4 WETLANDS PLAN: AREAS "3" & "4"
5 WETLANDS CROSS—SECTIONS: BASELINE "A"
6 WETLANDS PLAN: AREA "5"
7 WETLANDS PLAN: AREAS "6" & "7"
8 CONSTRUCTION DETAILS
9 APPENDIX



SCALE: 1:25,000

LOCATED #1: TOWN OF PLYMOUTH PLYMOUTH COUNTY MANONWEALTH OF MASSACHUSETTS CAMELOT PARK VICINITY MAP/INDEX

AUGUST 7, 1991 SHEET: 1 OF 9

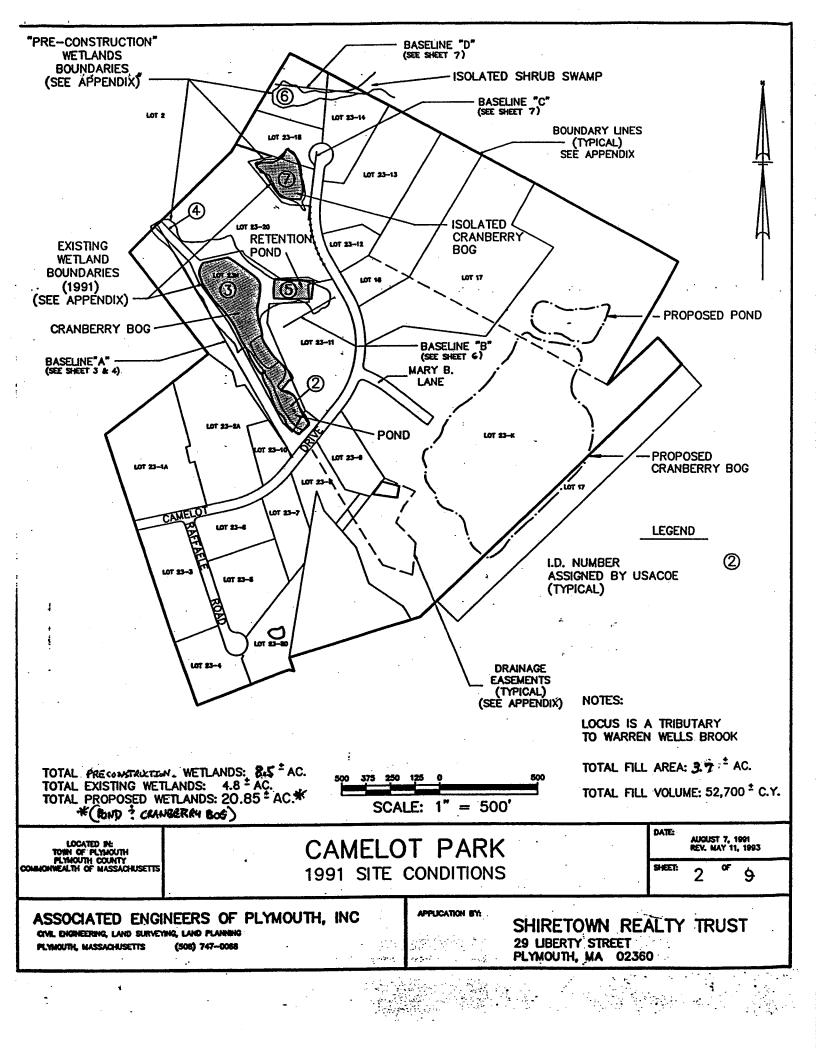
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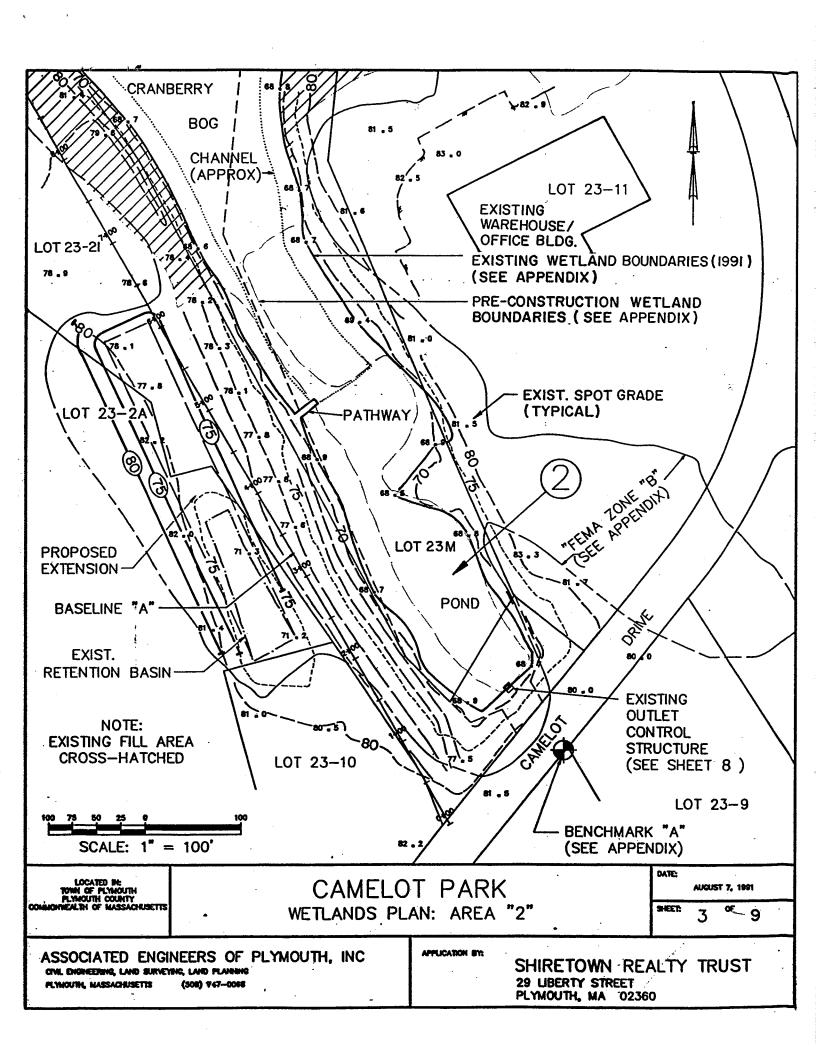
CIVIL DIGNEERING, LAND SURVEYING, LAND PLANNING PLYMOUTH, MASSACHUSETTS (506) 747-0088

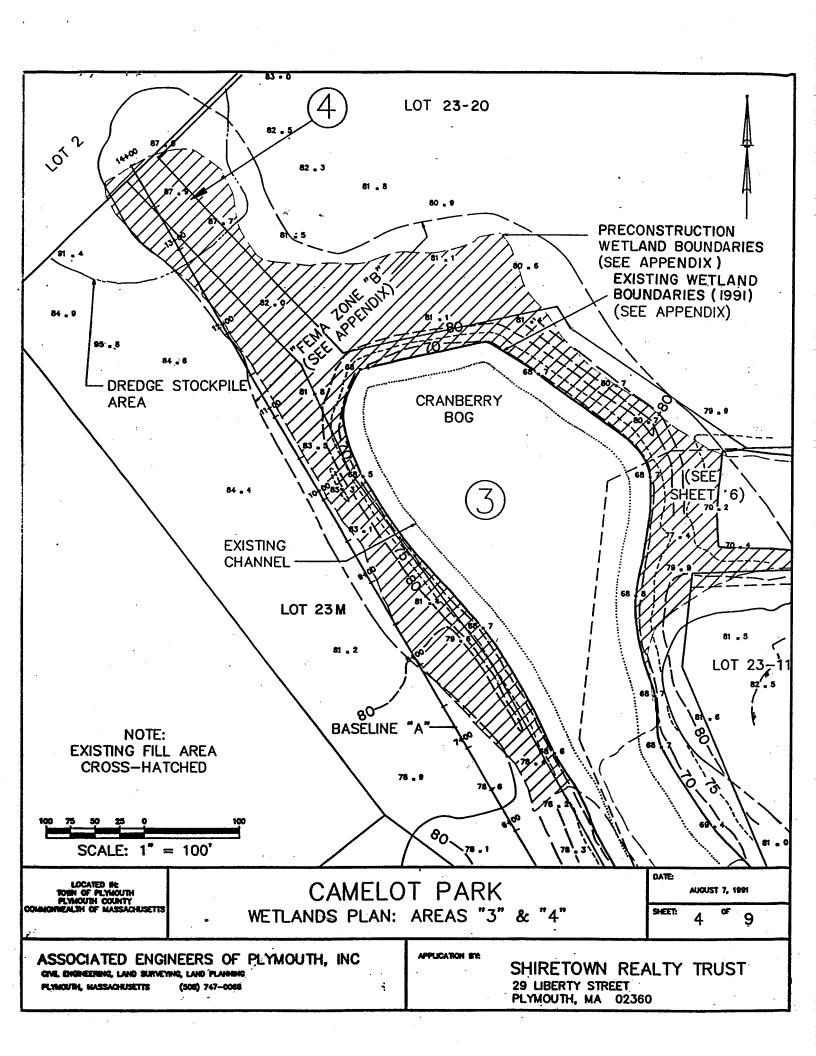
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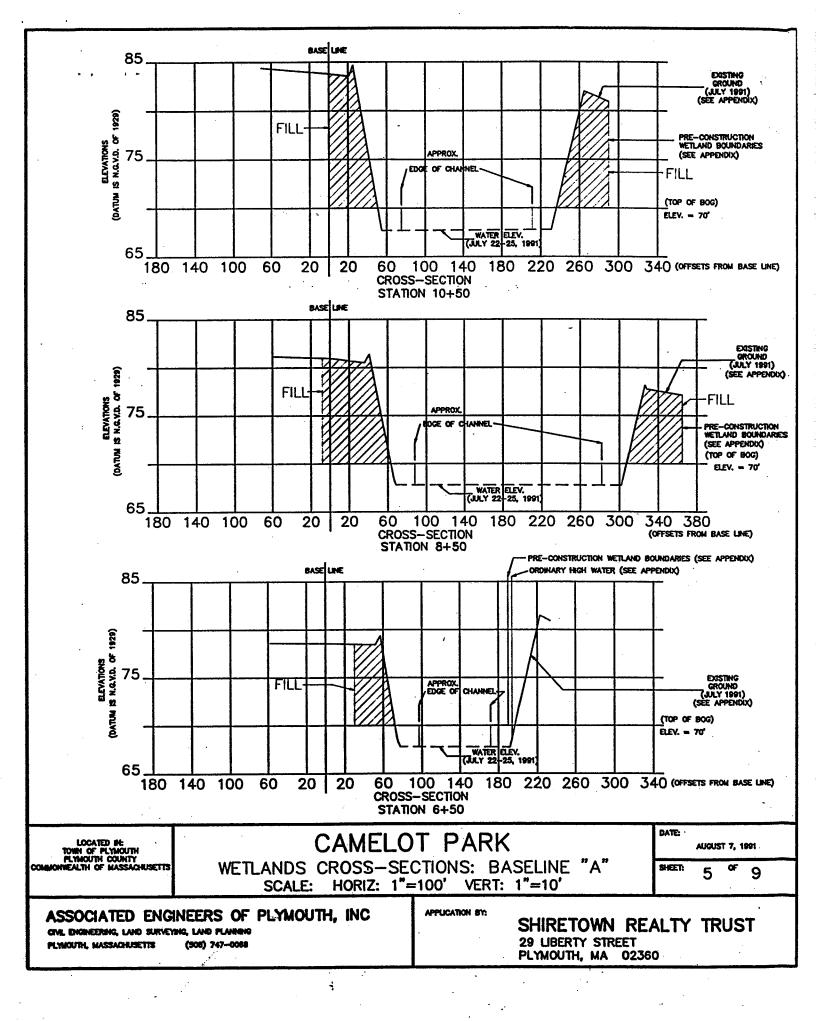
SHIRETOWN REALTY TRUST
29 LIBERTY STREET
PLYMOUTH, MA 02360

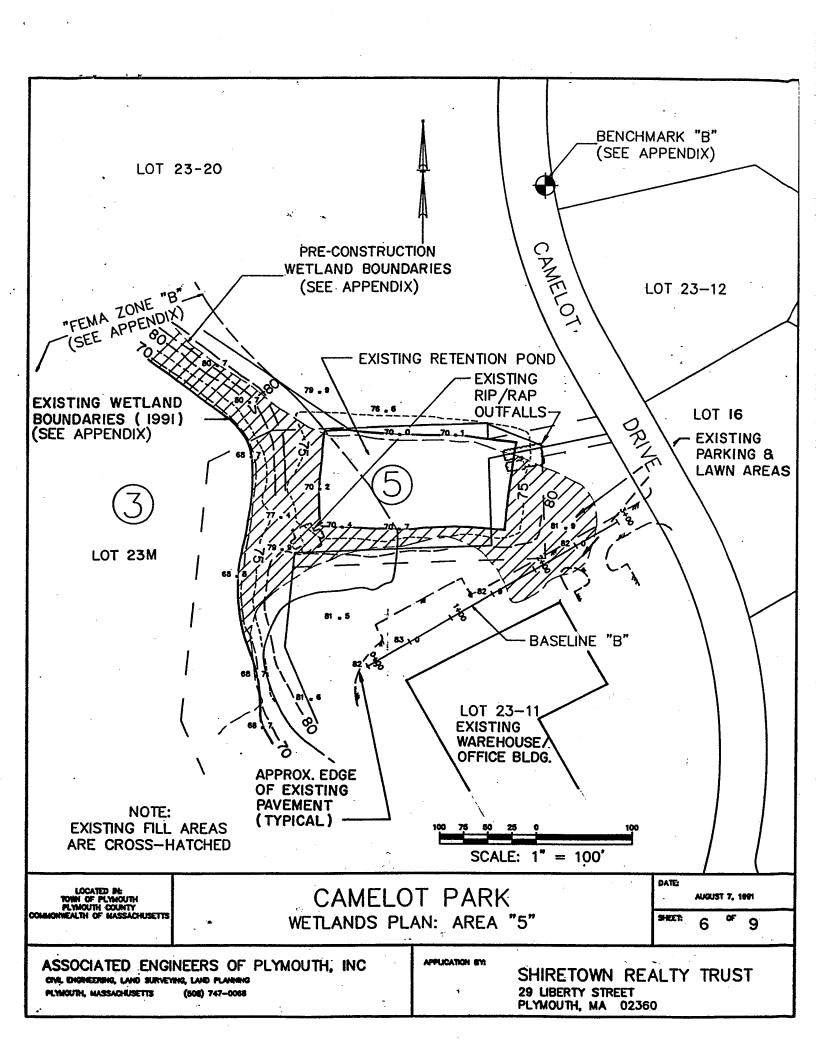
MAY 25 1993

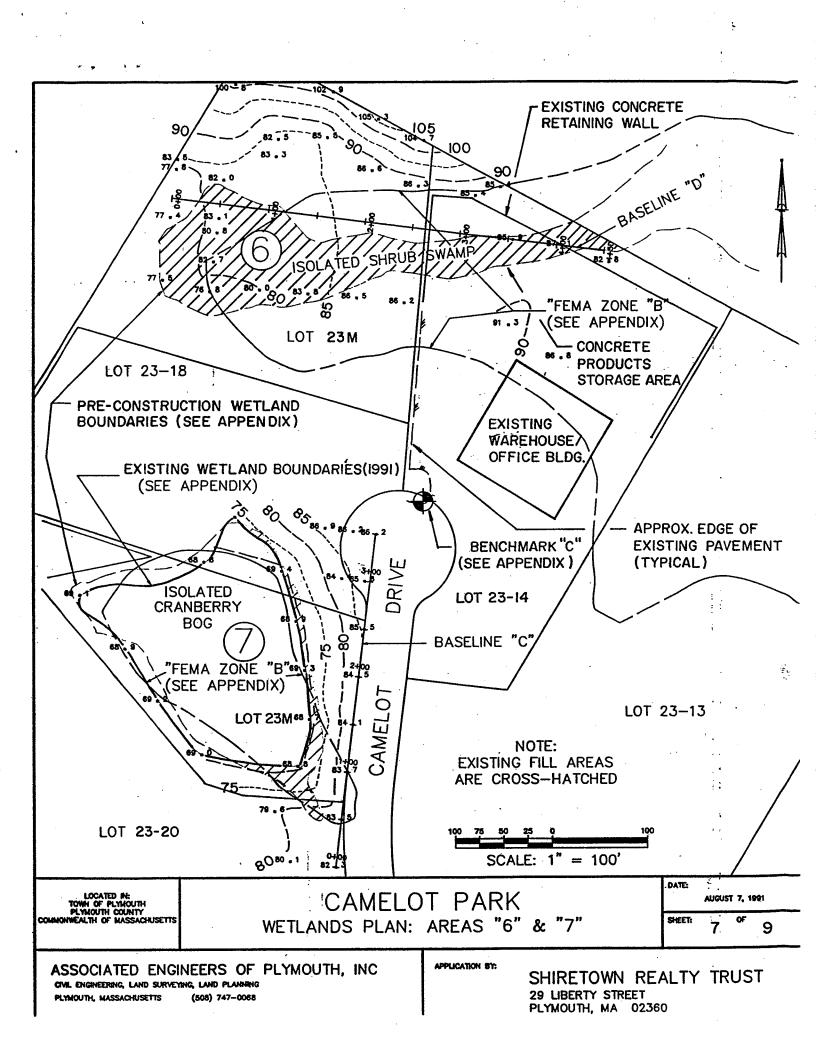


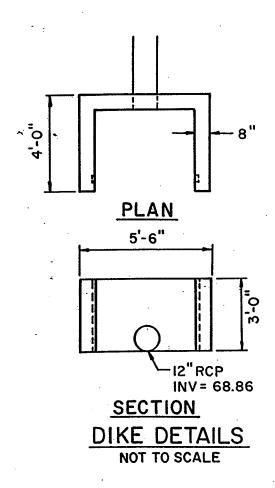


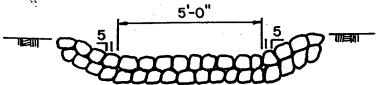












NOTES: L DIMENSIONS VARY TO SUIT CAPACITY REQUIREMENTS

2. STONE SHALL BE HAND CHINKED TO LEAVE A SMOOTH SURFACE

# SPILLWAY DETAIL

NOT TO SCALE

LOCATED IN: TOWN OF PLYMOUTH PLYMOUTH COUNTY OMNONWEALTH OF MASSACHUSETTS CAMELOT PARK CONSTRUCTION DETAILS

DATE: AUGUST 7, 1991
SHEET: 8 OF 9

ASSOCIATED ENGINEERS OF PLYMOUTH, INC

CIVIL ENGINEERING, LAND SURVEYING, LAND PLANNING PLYMOUTH, MASSACHUSETTS (508) 747-0068 APPLICATION BY:

SHIRETOWN REALTY TRUST
29 LIBERTY STREET
PLYMOUTH, MA 02360

#### NOTES:

THE BOUNDARY LINES DEPICTED HEREON ARE DERIVED FROM THE FOLLOWING RECORDED PLANS BY THIS FIRM:

LC.P.P. #41008-A
PLAN #143 OF 1984
PLAN #007 OF 1985
PLAN #218 OF 1985
PLAN #218 OF 1985
PLAN #217 OF 1985
PLAN #225 OF 1985
PLAN #225 OF 1985
PLAN #225 OF 1985

- THE LOT NUMBERS DEPICTED HEREON ARE DERIVED FROM THE ABOVE DESCRIBED PLANS AND ARE ALSO SHOWN ON PLYMOUTH ASSESSOR'S MAP 83.
- 3. SHIRETOWN REALTY TRUST, THE APPLICANT, IS THE OWNER LOT 23-19 & LOT 23-L, WHICH ABUT THE WETLAND.
- 4. THE LINES DEPICTED ON THIS PLAN AS "PRE-CONSTRUCTION WETLAND BOUNDARIES"
  LINES DERIVED FROM SHEET 23 OF A REPORT ENTITLED" 2ND SUPPLEMENT TO
  NOVEMBER 6, 1990 INFORMATION REQUESTED BY THE U.S. ARMY CORPS OF
  ENGINEERS, REGARDING "CAMELOT INDUSTRIAL PARK", PLYMOUTH,
  MASSACHUSETTS, SUPPLEMENT DATE: JUNE 21, 1991, WILLIAM R. SHAW, P.E.,
  ASSOCIATED ENGINEERS OF PLYMOUTH, INC.", AND ARE THE RESULT OF PHOTO
  INTERPRETATION BY SANFORD ECOLOGICAL SERVICES, INC., AS DESCRIBED ON
  PAGE 13 OF THE ORIGINAL NOVEMBER 6, 1990 REPORT, AND ACKNOWLEDGE BY
  THE U.S. ARMY CORP OF ENGINEERS TO BE THE AREA OF JURISDICTION.
- 5. THE LINES DEPICTED HEREON AS "FEMA ZONE "B", ARE APPROXIMATE AND ARE SCALED FROM PLANS ENTITLED: "FIRM, TOWN OF PLYMOUTH, MASSACHUSETTS, PLYMOUTH COUNTY, COMMUNITY NUMBER 250278 PANELS 0009 C & 0013 C", EFFECTIVE JULY 17, 1986, BY FEMA.
- THE DRAINAGE EASEMENTS DEPICTED HEREON ARE DERIVED FROM RECORDED PLAN 8679 OF 1987.
- THE AVERAGE WATER DEPTH IN THE EXISTING POND AND CHANNEL AREAS IS 4'.
  AS PER THE OWNER.
- 8. THE VERTICAL DATUM FOR THIS SET OF PLANS IS N.G.V.D. OF 1929, AND ALL ELEVATIONS DEPICTED HEREON ARE RELATED TO SAID DATUM. BENCHMARKS ARE DEPICTED ON SHEETS 3, 6, & 7 OF THIS SET, AND ARE FURTHER DESCRIBED AS FOLLOWS:

Benchmark a: Fire Hydrant cap bolt between "e" & "l" in "mueller"; elevation = 62.86"

BENCHMARK & FIRE HYDRANT CAP BOLT BETWEEN "E" & "L" IN "MUELLER"; ELEVATION = 83.84"

BENCHMARK C: FIRE HYDRANT SOUTHERLY BASE ANCHOR BOLT; ELEVATION = 87.17"

- THE EXISTING (JULY 1991) TOPOGRAPHIC INFORMATION DEPICTED HERM IS DERIVED FROM TRANSIT/STADIA CROSS—SECTIONS TAKEN AT 50' INTERVALS ALONG BASELINES A, B, C, & D, AND SUPPLEMENTED WITH ADDITIONAL TRANSIT/STADIA LOCATION OF SITE FEATURES WHICH DID NOT FALL ON CROSS— SECTION LINES.
- THE AREAS DEPICTED AS "FILLED AREAS" ON SHEET ONE ARE BASED ON PLANMETER MEASUREMENTS TAKEN ON SHEETS 3, 4, 16, & 20 OF THIS SET
- 11. THE VOLUMES DEPICTED AS "FILL VOLUMES ON SHEET TWO ARE DERIVED FROM THE CROSS-SECTIONAL AREAS OF THE FILL AND WERE DETERMINED USING THE AVERAGE END—AREA FORMULA.

LOCATED IN: TOWN OF PLYMOUTH PLYMOUTH COUNTY COMMONWEALTH OF MASSACHUSETTS

# CAMELOT PARK APPENDIX

DATE: AUGUST 7, 1991
SHEET: 9 OF 9

ASSOCIATED ENGINEERS OF PLYMOUTH, INC

CIVIL ENGINEERING, LAND SURVEYING, LAND PLANNING PLYMOUTH, MASSACHUSETTS (506) 747-0068

APPLICATION BY:

SHIRETOWN REALTY TRUST
29 LIBERTY STREET
PLYMOUTH, MA 02360